THE NEW REPUBLIC

The Crime of Conspiracy

Abraham S. Goldstein

De Gaulle's "Victories"

Jean Daniel

Truth versus Ideology

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Cheever's Inferno

Frank J. Warnke

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T.R.B. *from Washington*

The Restoration of Self-Respect

★ During the U-2 incident we had to send off a weekend cable to a London newspaper and we recall telephoning a State Department official at his home to give us the low-down. Confidentially and not for attribution, we begged, was our side lying? "Absolutely not!" came the indignant reply. Not only this but our man gave us a wealth of ardent detail to show how preposterous the Khrushchev charge was. Well, he was wrong. He did not intentionally deceive us; he was deceived himself. He was the spokesman for the State Department but it wasn't till three hours later that they told him the facts.

There are few things more shattering than the discovery that your country is lying. In a quiet way we take a lot of pride in our country. We are not childish enough to ignore the fact of spying and the need of spying, and the problem of reconciling these moral contradictions isn't easy. Most of us work out some sort of formula in time. The nature of the U-2 "cover story," however, was something to gag at; we don't know if it was the falsification or the hypocrisy that turned our stomach.

Now we come to Castro. The invasion was a flop and we won't beat it any longer – it was ill-timed, ill-conceived, ill-managed. But the thing that lingers, along with Castro's dictatorship, is the loss of moral prestige. We were saying one thing and doing another. We were mounting an invasion and denying it. It made you wonder once more whom you could trust. The unhappy French seem bent on restoring their self-respect after the generals' revolt by blaming it on the CIA. Preposterous – ? Certainly! And yet . . . and yet . . . It is not that we think for a minute the French charge is true, but that now we are suspicious of everything.

Both Sides of His Mouth

★ As a matter of curiosity we went back and re-read the fourth Kennedy-Nixon debate last October 21, which discussed Cuba. How far off it all seems? Today we know that Nixon certainly, and Kennedy presumably, knew and approved Eisenhower's secret preparations for a Cuban intervention try then underway. They knew that even as they talked, if our understanding is correct, and what did they say?

Kennedy in effect approved the secret plan. We disagreed with him at the time but at least he was frank. By contrast Nixon's comment was ironic. He professed to be stunned at Kennedy's rashness (supporting Ike) to aid anti-Castro exiles; it was "probably the most dangerously irresponsible" proposal of the campaign said the pious Mr. Nixon. Having thus denounced Kennedy's backing of his own boss' program, Nixon gave his own plan. What would he do about Cuba? Why, he said, "we can do what we did with Guatemala . . . We quarantined Mr. Arbenz. The result was that the Guatemalan people themselves eventually rose and they threw him out."

Even in retrospect Nixon's reply is staggering. First he expressed shock that Kennedy backed something that Ike was secretly preparing, then he recommended the Guatemalan procedure as an "alternative" when this was in fact a CIA putsch like that tried in Cuba. Nixon was talking out of both sides of his mouth and his ears, too. Well, he didn't get elected.

Kennedy did. Let us say at once and get it over with that we think Kennedy's record on Cuba is terrible. He elaborated Ike's intervention policy with results we have seen, and he laid down the thesis in his State of the Union message, now taken up by the State Department, that Communism in this hemisphere is "non-negotiable." That sounds good; what does it mean? Red China points to Quemoy and Matsu and says, "Capitalism in Asia is non-negotiable." Does this mean that neither side will ever yield? Does this mean that we assert the right to intervene anywhere in this hemisphere to block Communist penetration, with or without the assent of the country involved? The Monroe Doctrine told outsiders not to interfere in this hemisphere's affairs; the new doctrine tells this hemisphere, if it means what it seems to, it can't run its own affairs.

Fletcher Knebel in *Look* magazine has just been going back to the 1960 campaign, too, pointing to what seems a pattern of opposition to the first Catholic President by the Catholic hierarchy. From the start Kennedy announced forthright opposition to federal aid to parochial schools while Lodge, by contrast, urged federal aid and Nixon, in a telegram to the *Baptist Standard* of Texas, said that each state should decide for itself. As things turned out, according to an analysis by the University of Michigan Survey Research Center, Kennedy lost a net balance of 1.5 million votes because of his religion.

Setting the Record Straight

★ The film *Operation Abolition* purports to show how Communists duped undergraduates to riot against the House Un-American Activities Committee in San Francisco City Hall last May 13. The Committee later subpoenaed newsreel clips from local TV stations, turned them over to a small commercial studio which edited them into a 45-minute film with a blood-tingling commentary by Fulton Lewis III, committee research analyst, and sold them at $100 a print over the nation. The crucial moment, the start of the riot, was not filmed, but the narrator quotes J. Edgar Hoover's unequivocal assertion that a demonstrator touched it off: "leaping a barricade that had been erected," charged Hoover, "he grabbed an officer's night stick and began beating the officer over the head." As Hoover explained, "it is vitally important to set the record straight."

Well, it didn't happen. A San Francisco jury has unanimously acquitted Robert Meisenbach, the student in question. Even the police in the trial didn't make the full charge Hoover made. Why can't J. Edgar just be a cop and keep his mouth shut?

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Talking to Cubans

In the postscript which he appended to his discussion of the President in these pages last week, Frederic W. Collins expressed the view that "the carry-over of preordained alternatives on his desk will dwindle with some speed." And then, presumably, he can fairly be tested. Yet the dilemma Mr. Kennedy confronts would appear to be precisely that the carry-over will not go away; that the cumulative errors of two Eisenhower terms have preordained a whole world of ugly choices between more or less irrevocably misshapen policy alternatives. Thus the manhandling of former Premier Souvanna Phouma in past US-engineered coups left him profoundly distrustful of Washington: the choice in Laos was consequently between a long-shot gamble on the patriotic intentions and political talents of one embittered man and equally risky armed intervention in treacherous military and political terrain. Similarly the issue in Viet Nam, where the Vice President visits this week, is not simply slow surrender to the Vietminh terror or intervention. It is whether a military stand against the Vietminh can in fact succeed – in the absence of a long-overdue shakeup in Premier Ngo Dinh Diem's autocratic regime with its blatant nepotism and mandarin hauteur.

In the case of Cuba Mr. Eisenhower had taken certain critical decisions – the break of diplomatic relations, the cancellation of the sugar quota – which denied to his successor the option of bargaining with Castro. The choice on January 20 had been reduced to waiting out the possible future emergence of a US-encouraged insurrection inside Cuba, a choice which would have required more than a little explaining to an uneasy US public, or overt, Hungary-style military intervention. Both alternatives seemed so dismal that the President took escape in a futile intermediate policy. But now the real-world alternatives open to the US have been driven home by the force of events, and to his credit, Mr. Kennedy appears to have rejected the interventionist course. Though possible trade and arms embargoes might yet be employed to step up the tempo of anti-Fidelista mobilization both in and out of Cuba, the US is now basing its policy on the central principle that Castro's popular following must be won away or no other solution, however conclusive militarily, can be made to stick.

The key to the success of a new US appeal to Cuban nationalism lies in the vulnerable economic position of the Castro regime. Instead of talking about the Monroe Doctrine and the US stake in a friendly Havana, the Kennedy Administration should in our view address the

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Cuban people in terms of *their* national interest in mutually advantageous economic relations with the United States. This means, in particular, the promise of a resumption of the now-interrupted sugar trade on terms more favorable to Cuba than in the past.

In the present surcharged atmosphere it is easy to forget that until last year, Cuba sold the US about three million tons of sugar under the much-discussed quota arrangement assuring the island one-third of the premium-priced US market. When this quota was cancelled, the dislocation of the Cuban economy was profound. About one-third of the labor force – some one-half million workers – are employed in the cane fields or the mills. Their wage levels have reflected the preferred position of the Cuban crop in the US market: while it is true that the benefits of the premium price went in disproportionate degree to US investors and brokers and Cuban plantation owners, the average worker was nonetheless better paid than his counterparts in other sugar-producing countries. But this year the sugar that Cuba used to sell to the US is committed to the Communist bloc. China is taking one million tons and the Russians four million. This has threatened sugar workers with a wage cut of up to 40 percent (previously the field worker averaged around $400 per year) because the Soviets are nominally paying four cents per pound as against the US price of five cents – and because nearly 80 percent of their repayment is on a barter basis. The Soviets arbitrarily set the prices on the goods they send in barter, which markedly affects the actual value received for the sugar.

Significantly, Moscow has no vital need for Cuban sugar and is using its present purchases to supplement available stocks in the Soviet bloc. There was no joy in Havana on the discovery last November that 1,500 tons of sugar sold to Bulgaria at 3.25 cents per pound had been resold to Jordan for 2.6 cents – an ominous warning to the Cubans against displeasing their Communist mentors. Moreover, should Cuba continue to sell its sugar to Russia, in two years it may well have lost its claim to a substantial share of the US market; the Cuban quota is now being redivided among countries such as Mexico, Peru, Brazil and India (and US producers of beet and cane).

If the US is to talk over the heads of Castro and Che Guevara to the Cuban people it will not be enough, however, to harp on the liabilities in the Communist commitment. The US should accent in explicit and unmistakable terms its acceptance of Castro's agrarian reforms and the right of any future Cuban regime to retain control of that 40 percent of the Cuban sugar industry formerly held by Domino and other US interests. Cubans have properly complained of a lack of consultation in the setting of sugar quotas. While the tariffs which Cuba imposed on US goods imported into the islands in the past were subject to reciprocity, the quotas were set unilaterally by Congress. This meant the US was in a position to exert great pressure to keep Cuban tariffs low – that is, to keep a protected market for US exports – while the Cubans themselves had no such defense against a US decision to reduce the Cuban share of the quota. Domestic producers have steadily increased their share of the sugar market through effective lobbying in Congress. Under the quota formula that existed in 1948, Cuba would have sold four million tons in the US in 1960 – or 24 percent more than the amount Cuba was allowed that year.

The initial opportunity for the Administration to begin talking to the Cubans in effective anti-Castro language will come on May 18 when Rep. Harold Cooley opens hearings of the House Agriculture Committee on new sugar legislation. The Administration should make clear at these hearings that the reallocation of the Cuban sugar quota is provisional and that if there is a change in Havana the island can equitably compete in recapturing its share of the US market.

Letter to an Educator

If there are among our readers college presidents who are troubled with a "controversial faculty member," the following letter, sent to one of their number by the Burns Detective Agency and now being widely circulated throughout the country, may be of some interest. It is reprinted with sympathy for educators in certain communities who would wish it to remain unpublished: it might put ideas into the heads of overzealous trustees.

"The Burns Management Control System is widely known throughout industry. Many colleges and universities have found that our services can be very beneficial and informative. The same system which has saved countless dollars in business, can be used in your institution to give you an inside, on the scene report, concerning any practices detrimental to the institution's character an[d] reputation. Teaching practices can be viewed in a factual atmosphere with information from a 'student' who is trained to report objectively on what he or she sees or hears.

"Almost each department has it's [*sic*] controversial faculty member. These departments invariably are: Religion, Philosophy, Psychology, English (Literature), Biology, History, Government, Journalism, Speech and Drama. A 'student' trained in his duties as a Burns Operative, can enroll in the usual manner, obtain his class schedule, attend class and send daily, confidential reports to the Agency. These reports are analyzed and all reports are then sent to the client. After the necessary body of fact and information is developed, corrective steps can be made quickly, quietly and efficiently. Burns Operatives (white or colored, male or female) can also be inconspicuously placed in positions of kitchen help, laborers, cashiers, office help, janitors, in any field where a security problem might exist . . ."

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A REPORT FROM THE FOREIGN EDITOR OF *L'EXPRESS*

De Gaulle's "Victories"

Paris

For the third time since May 13, 1958, triumphing over the very men who brought him to power, General de Gaulle has undergone a test from which he has emerged stronger and from which the country has emerged bruised, divided, and, in a sense, weakened. From year to year, the exceptional individual who is at the head of the French Republic confirms a no less exceptional destiny. It is already foreseeable that he will surely be the European and Western chief of state whom historians of the future will lean toward as most fascinating and as most competent. However, the tragic present is what counts, and one would like to be certain that the personal victories of de Gaulle will not be heralds of a certain abdication on the part of the French nation.

Obviously, the positive aspects of the triumph of the President of the French Republic are both numerous and considerable. Civil authority has not given way to the military putsch. The at least moral mobilization of all citizens of Metropolitan France against the Algerian insurgents has given an example of national unity which occurs in France only on very significant and very rare occasions. Especially, at least to date, General de Gaulle's Algerian policy has not been altered in any way, in spite of the immense amount of pressure and the threats brought to bear. In principle, negotiations will open at Evian on the same schedule as had been established prior to the insurrection of the Algerian Generals. Finally, the firmness of reaction of those legally French impressed the Moslem population of Algeria and the government of the FLN in exile at Tunis: owing to this fact, the rapprochement between the French and Algerian negotiators creates a particularly favorable climate. In effect, the French have discovered that they must lean on some well-organized Moslem strength, and the FLN alone constitutes such a force. For their part, the Algerians of the FLN were made aware that the independence of Algeria was not an abstraction which could be obtained by guerrilla warfare in the interior and by Eastern diplomacy abroad. They have discovered the need for collaboration and even for true cooperation with France in order to organize the transitional phases bridging the gap between French institutions and Algerian institutions. All this is by no means a negligible accomplishment. On the contrary. In the very heart of things, in certain Algerian cities – from which I have just returned – I have seen French people (from Metropolitan France and local Frenchmen) and Moslems who only yesterday stood apart from each other, now collaborating in the fight against a common enemy: military insurrection and European colonialism. Once more, then, it would be wrong to minimize these results. But what, in the meanwhile, is the condition of France?

First, of course, what is the state of the French Army? For the second time in his life, General de Gaulle has ordered French soldiers to fire on other French soldiers, and has commanded officers to refuse to obey other officers. From June 18, 1940, until April 23, 1961, de Gaulle has left no stone unturned in his efforts to dress the wounds of the Army's morale which had been left gaping by Pétainism and Gaullism. Today, these ill-healed wounds have been reopened and are deeper than before. Doubtless this General turned statesman has never had very high respect for his peers in the Army. Recently he said to a deputy who had come to see him and inform him as to the state of morale of the Generals: "The Army? It was against Dreyfuss, later it was for Pétain, now it is for French Algeria. How can you expect me to attach any importance at all to what it thinks?" This is true; but the fact remains that de Gaulle is also the author of several books which assign to the Army an important role as a stabilizer to the nation, and that for a long time he has rejected associating his name with so tragic a division as that which occurred in 1940 within the Army. And now today the schism is worse. Never, perhaps (or almost never), had the French Army been subject to the eruption, within its ranks, of such serious disorder as we have witnessed in Algeria. All this, in the very teeth of the adversary, the FLN, which the French Army was supposed to be fighting as a unit and in a disciplined fashion.

Whether he wishes it or not, de Gaulle will still remain associated with this fresh wound in the Army's morale, the repercussions of which are serious indeed. The immediate responsibility is, no doubt, chargeable to that group of higher officers who sought to safeguard French Algeria by a *coup d'etat*, thus following the example of the former President of the Council Georges Bidault, who had declared: "I would weep more over the loss of Algeria than over the disappearance of the Republic." The basic responsibility, however, must be charged to all those who, in France and abroad, encouraged the insurrectionist officers. It is now known as a fact that even if the denials of Messrs. Gavin (US Ambassador to France), Allen Dulles and

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Dean Rusk be true, nonetheless General Challe himself stated that he had received an assurance that the United States – despite the Kennedy Administration – would not oppose with force an Algerian *coup d'etat*. True, the *immediate* responsibilities do not concern de Gaulle. But history will link his name to the drama of the Army. And, in fact, we need not wait on history for that matter. It is already a matter of record that the most Republican officers are reproaching de Gaulle for having permitted them to embark on the Algerian-French venture at the same time that he harbored thoughts of proposals for total decolonization. His machiavellism and his contempt for the officers are being held against him, and many indeed are those who claim that if since May 13 they had been clearly alerted to the fact that the independence was one day to be negotiated, they would have found it easier to take a stand and to remain more loyal.

On the other hand, the Europeans in Algeria still pose a very serious problem. The intense propaganda campaign which was renewed by the insurgents is pushing them to desperation and hence to extremism. They are being told that the Algeria of tomorrow will be worse than the Congo; that the "little people" who comprise the majority of the European minority will be threatened by danger to their persons and to their jobs. The 120,000 Jews are being told that they will be at the mercy of the latest stand of the Arab League, of a visit from Nasser, or of a development in the conflict with Israel. All over Algeria those slogans (invented by Europeans) are being revitalized which express the notion "for the Europeans, it's either a suitcase or a coffin." The ties of the French of Algeria with Metropolitan France are numerous and often powerful. Added to the malaise in the Army, they could, after the disappearance of General de Gaulle, arouse a revival of a more or less fascist type of chauvinism and hatred of foreigners. If, besides, in order to counteract this trend, popular reaction feels an inevitable need to associate itself with the Communists, then most of the Army will probably support a fascist *coup*. This is the pessimistic view. It may very well be that it can be avoided. For the moment, unfortunately, it appears this pessimism is well founded.

JEAN DANIEL

"HE LOOKS MORE AND MORE LIKE WHAT HE WAS"

Reflections on the Eichmann Trial

Jerusalem

The first obsessive interest in the trial of Adolf Eichmann has died a natural death. This death has been hastened by satiety and by the fact that Eichmann is so illusive and so unsatisfying a protagonist, by the slow dignity of the court and its preoccupations with the law, by the fact that you can only sup on a limited amount of horror.

Like many others I came to Israel doubtful of the morality of this trial. It seemed to be contrary to the spirit of the Rule of Law, to smack of hot vengeance rather than of impartial justice. This is perhaps an overly British reaction. But then too there was the widely accepted theory that this was a trial ordained by Ben-Gurion, born out of an illegal act and made to suit several political purposes. There could have been at least four of these. The desire to hold the trial could have been part of his messianic zeal to press the moral claims of Israel upon the Diaspora. Dr. Gideon Hausner, the Israeli attorney general, made just such a point when he said that wherever Jews are hurt, the hurt was felt first and hardest in Israel.

The trial could have been held to refresh the memories of his own people. Old men forget, but young men cannot be bothered to learn. Israel has a young population and almost half of it now consists of Asian and African Jews. None of these have experienced the suffering of their continental brethren that made the creation of Israel, to Ben-Gurion and his like, an immediate and imperative necessity.

Then, again, the trial would serve to remind the United States and the United Kingdom of their duties toward Israel. Several times already, though so far only in passing, the idea has been put forward that a vast amount of the tragedy of the Final Solution to the Jewish Problem could have been avoided if these nations had helped in the extraction and acceptance of threatened Jews. Roosevelt shilly-shallied. Britain presented a blank and bureaucratic No. Permits for emigrés were few. Emigré ships trailed hopelessly across the seas looking for a place that would take them in. There is a lot more of this still to come and much of it will probably be brought out by the defense. It is just possible that this is the reason that Britain and America, alone of the responsible powers, have sent no official observ-

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er to this trial. The trial therefore may serve to avoid a second betrayal. (It must be remembered that Israel is a country that lives under the perpetual threat of war.)

The trial could also serve to confute the right-wing Herut Party which is rabidly anti-German and has accused Ben-Gurion of selling out to the enemy, even in accepting German reparations. No one can call this trial pro-German; it is certainly not an act of international tact. It was conceived, and in advance defended here, in terms of reasons that were essentially Israeli.

These arguments, widely credited to Ben-Gurion outside Israel, do not appear a proper basis for any trial in Western law. For a people's court, yes; for human vengeance, yes; for justice under the law, no.

But in Jerusalem these doubts have melted. If anyone had these intentions, they are quite incidental. The trial itself has no political airs. Justice is being done and is seen to be done. Among the Israelis there is no doubt of their right to try this man and all the observers that I have met agree in this.

One of the chief reasons for the change is that Dr. Hausner, even at the risk of boring the press, spent a week sorting out the law. The Israeli Act of 1950, under which Eichmann is being tried, is the law of a sovereign state and the Knesset, like the British Parliament (though unlike the Congress), can pass any law it chooses. It is in fact legally omnipotent. This trial is legal in Israel. But Dr. Hausner was at pains to prove that the law, though apparently retroactive, was in accord with British and American precedents and with the public law of nations. British mandate law still obtains in Israel. British precedents may be used, though they are persuasive rather than binding. More and more American precedents are being used with the same force. Israel regards itself as the mature heir of the Common Law. Dr. Hausner was trying to prove a series of points under the moral law and international law. The national law could not be disputed in Israel, though it might be deplored abroad as bad law.

He wanted to prove that the trial was in accord with international law, that Eichmann was being tried for crimes that made him *hostis humani generis* and that, like a pirate, he could be properly tried by anyone that got him. Dr. Hausner even went so far as to claim that the absence of the Rule of Law in Nazi Germany made that country the legal equivalent of the High Seas. It seems likely that, say, the Mali Republic could legitimately exercise the same right to try this universal enemy. Dr. Hausner wanted to prove this conception of international law had long been followed by civilized nations. America and Britain and Russia and France were accepting this when they agreed to set up the military tribunal that later met in Nuremberg. Like Israel, they tried and condemned men that had already committed their crimes before the ordinances and court existed. But in fact the Nuremberg court was based on rules that were already accepted long before the war.

The nasty fact of the kidnapping was easily dismissed in law with a surprising torrent of British and American precedents.

And he insisted anyway, that the trial was in accord with the natural law and morality. The judges were Jews. This did not mean they could not be impartial. Any judge anywhere that was truly neutral to the sort of history that would be unfolded in the court was no judge. Judges are not impartial to murder, only to men accused of murder. This was his argument directed more at the world than at the judges. And then the speech for the prosecution began and the piling up of evidence and the agonizing succession of witnesses.

All this time, every day and at every session, there sat that lay figure, Eichmann, all but expressionless, straight-backed, never scratching himself. Almost every journalist worth his old carbon paper has had a shot at describing him. There was a Frenchman – and the French press is used to headier if less decorous state trials – who wrote that he could see a gas chamber in each of his eyes. Most took the easy way out which was to describe him as some version of a mean bureaucrat or as a little clerk of a man. Most again have included some allusion to a trade in describing him – milkman, footman, dentist, customs inspector, tout or a small-town collector of taxes – which was rough on honorable trades, but it is possible to see for what the baffled press was groping.

Now after weeks of being watched and of regaining at least a sort of public importance, he is changing. There is certainly no sign of the quiet factory hand from the Argentine. He looks more and more like what he was – a Nazi of insufferable and unjustified vanity, a man of great vulgarity of intellect, a man of cold mind who is totally insensitive to his fellow men. He seems a person who is at once despicable and frightening and from his "confession," it is clear that there is more than a trace of cowardice in him. It is not in Jerusalem, even now, possible to think of him as a lonely underdog. He repels pity as a lonely underdog. He repels pity as a duck's back repels water.

The evidence for the prosecution is being called. It is a combination of documents and of witnesses. Few if any of the documents are new and the witnesses told the sort of stories that anyone who is over 30 knows only too well. The stories are appalling. Jewish spectators press their hands to their faces to keep themselves from crying out loud. Witnesses struggle for self-control. Witnesses ramble and digress, because they want to tell it all. And only occasionally do their stories directly touch Eichmann. At times he seems almost to retire as the accused. He leaves this crucifying trial and sits in his glass box, scribbling notes, arranging files,

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checking documents. The prosecution have proved, and indeed to a reasonable man have proved, by documents in fact, that Eichmann was in at the start – in September, 1939 – when the Plans for Polish Jewry were laid. They are proving that he even disobeyed Himmler's later orders to lay off. They are proving that he was a frequent, if fastidious, spectator of the concentration camp operations. And – God save us all – they have a witness to testify that he killed a Jewish boy himself, with his own hands, by beating, whom he caught stealing a peach in his Budapest garden.

There is a secondary purpose in the careful documentation of the conspiracy against the Jews. For the Israelis, the Nuremberg trials were not quite enough. The fate of the Jews was only an item – though an essential one – in the indictment and condemnation. Here the prosecution is concentrating on the fate of their brethren and in doing so they are rewriting as well as recalling the vast fate of the European Jews.

If in this trial Dr. Hausner is the accusing voice of the Jews – disciplined, calm and inexorable – this is still not a vengeance trial. Only once so far has there been a call for the bloody man's blood from the gallery and that was and would be infinitely forgivable – even in the Old Bailey. The spectators are quiet in their tears. The three judges are still the quiet voices of Western justice. The presiding judge checks extravagance or excess in the witnesses or prosecuting counsels and he goes out of his way to help the aging defense counsel, Dr. Servatius from Germany. Despite the vast press apparatus attached to the court, this is still a court of traditional – and dare I say it – Christian justice. The court is a new sort of Israeli triumph and it compels a new sort of respect.

Any trial that may end in the death of a man or in his punishment now perturbs a conscious Christian, a civilized and a liberal man. I felt more perturbed at the trial of the five spies in the Old Bailey (No. 1 Court) in the city of London than I do now in this District Court of Jerusalem. And I do not believe that Adolf Eichmann could have got a fairer trial anywhere in the world today.

PATRICK O'DONOVAN

The Crime of Conspiracy

by Abraham S. Goldstein

Again and again, in recent years, "conspiracy" has screamed at us from the headlines. The sound is sinister, evoking images of evil men meeting in out-of-the-way places to hatch plots inimical to the state and to public order. Political crime by Communists, organized crime at Apalachin, price-fixing by officers of General Electric – these fill out the stereotype of the conspirator. Yet the crime of conspiracy has been with us for centuries. And, though it has sometimes been used by the state to combat a wide variety of groups challenging the status quo, it has developed its most unique characteristics in more conventional criminal settings. Those characteristics have made the charge of conspiracy a special favorite of prosecutors seeking advantage in the proverbial "war against crime."

The *Apalachin* case illustrates the problems likely to follow from such a charge. The defendants seemed to personify the "Mafia." To the public eye they appeared determined to prevent organized society from learning why they were visiting Joe Barbara that Sunday afternoon in 1957. Though each defendant's account before the grand jury rang somewhat hollow, the plain fact was that the prosecution did not know enough to prove the defendant was lying. Had each been tried separately for perjury, this defect in the government's case would have been glaringly apparent both to judge and to jury. But in a trial for conspiracy, it seemed possible to do three things. First, since the crime of conspiracy punishes the *agreement* to commit an offense, it seemed enough to prove that the defendants *planned* to lie. Second, since the agreement would have to be proved by circumstantial evidence, not only was it clear that there would be a good deal more of it if they were tried together than if each were tried alone, but also that each individual would be stained by the evidence admitted against his fellow defendants.

If, in addition, the defendants could be charged with something less tangible and measurable than an agreement to lie – if, for example, they could be tried for being "evasive," or "obstructive" – then, the likelihood of conviction would undoubtedly increase. It was just

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such a course as this which the government adopted in *Apalachin*. It obtained an indictment charging the defendants with conspiracy to obstruct justice and to defraud the United States – the fraud allegedly consisting of interfering with performance of a lawful governmental function, the investigation of crime. The subsequent course of events is now history. The defendants were convicted by a jury, and the conviction was reversed by the United States Court of Appeals for the Second Circuit. That court, so often split in criminal cases, held unanimously that there was insufficient evidence of an agreement among the many defendants to warrant convicting them for conspiracy.

The Court's opinion met with the now-conventional outcry in the press about judicial frustration of the fight against organized crime. As always, this commentary begged the question of whether there was *proof* that these individuals had in fact been engaged in organized crime on the day in question. Yet even the most scrupulously legalistic observer of the *Apalachin* case could not avoid a feeling of disquiet about the nature of the protagonists in this phase of the ever-recurring battle against over-extension of state power. The unfortunate consequence of such a feeling is that the state is too often permitted to deal with "criminals" in a manner which prepares the way for subsequent incursions on persons and interests more to our liking. The recent involvement of respectable corporation executives in price-fixing conspiracies and in tax evasion conspiracies has brought dramatically home the extent to which the "settled criminal law" can find itself applied in extraordinary settings to people who are uncomfortably "like us."

As is true of so many legal matters, there is far too little understanding here of what the law is trying to achieve and whether conspiracy law ought to be used to achieve it. Sides are chosen as much because of the emotional baggage which is borne by "organized crime" or "tax evasion" as because of an understanding of the processes and factors at work. It may be helpful, therefore, to step back from current controversies and look at what the crime of conspiracy is, how it relates to the criminal law generally, and what problems it poses for those who become involved with it.

Conspiracy's roots are ancient ones, tracing to the Star Chamber in the 13th Century. Today, it is made a crime in the United States and in each state. Everywhere, it is defined as an agreement by two or more persons to accomplish an unlawful object. Of all major crimes, it requires least in the way of a manifestation of harm to the community. For example, if A and B agree to rob, the crime is technically complete at the moment of agreement. A and B need not have committed the robbery. Nor need they have come anywhere near bringing it about. It is the *agreement* to rob, the *agreement* to steal, the *agreement* to evade taxes which is made a crime, whether or not the robbery, the theft, or the tax evasion ever took place. Indeed, the agreement remains a crime, even if the plan matures and the crime planned is committed. It may then be prosecuted and punished separately or in addition to the completed crime. In contrast, where only one person plans a crime, he cannot be brought to book until he has committed the crime or, in most states, until he has come just short of completing the crime.

And even then, his "attempt" may not be prosecuted if the crime has been committed.

It is true that the federal statute, and those of some states, requires that there be an "overt act" pursuant to the conspiracy, but that act need not be criminal. Thus, in our illustration, if A telephones X to find out whether he may use his car on the night of the robbery, the overt act requirement is satisfied, even though the act of telephoning is not a crime. It takes on a criminal tone only by virtue of the pre-existing agreement between A and B. In short, this kind of overt act is quite different from what we ordinarily think of as a criminal act. It is dangerous only if we make the prediction that the words of agreement will eventuate into crime. Indeed, if there were no agreement, the act of talking about hiring a car would be so far from the end-result, the robbery, that we would ordinarily not think of it as warranting a criminal sanction. Too many things might intercede before the thought or the conversation became a crime. A might change his mind about going further with his plan, either on his own or because others might dissuade him, or because the circumstances might change and make its commission less propitious.

Word-Magic

Considerations like these ordinarily make the criminal law insistent not only that the offender must have intended to commit a crime but also that there must be a criminal *act* – some behavior which will result in harm to the community. There are several reasons for this requirement. For one thing, it demonstrates quite persuasively that the threat of punishment will no longer deter the person thinking of crime. For another, by identifying something external, and therefore visible, the act requirement helps to define just what is at issue. Without such a requirement it would be very difficult to keep within bounds the power of the police to arrest and the prosecutor to indict. It would also be difficult to determine what evidence is relevant or what instructions on the law should be given to the jury. In the law of conspiracy, the agreement – passive though it may be – is said to satisfy the act requirement. This word-magic succeeds in fostering the al-

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ready elaborate illusion that conspiracy reaches actual, not potential, harm.

What is it that makes the law deal so much more harshly with the agreement of two persons than it does with the plan of one? Conventionally, the mystique of numbers is called to service in justification. Building on the assumption that a group is more to be feared than individuals acting separately, courts have concluded that the plan by two or more persons brings with it an increased likelihood that each of the participants will shore up his fellow's determination to commit the crime; that the crime will actually be committed; that the criminals will more easily be able to escape detection; and that the planning will constitute a species of schooling in crime for all who participate in it.

These purported characteristics of conspiracy feed our fears of a hostile world filled with people plotting crime and, indeed, threatening an ordered society. Yet on the face of it, in a society founded upon cooperation and organization, it strikes a false note to see danger inherent in combination alone. Very probably, there is as much reason to believe that the involvement of several persons will result in premature leaking of the plan as that it will be kept secret; or that each participant will share his uncertainties as well as his certainties and perhaps dissuade his fellows from continuing. It is plainly unreasonable to treat agreement, without more, as an adequate basis for classing as criminal that which would not be criminal in an individual. Numbers will add to the likelihood of crime in some cases and not in others. The goals of groups are apt to be so diverse, the personalities of their numbers so varied, that so broad a generalization about the relation of groups and criminality must be treated as suspect.

Though the remoteness of the danger to the community posed by conspiracy raises intriguing questions, they are in many ways misleading. The very secrecy of an agreement to commit crime makes it unlikely that it will be discovered and prosecuted until a number of things have been done by the conspirators which seem threatening to society. The principal problems arise from the procedural abuses to which this crime is peculiarly adaptable.

The initial task in proving the existence of a secret agreement is to present to judge and jury evidence that there was such an agreement. It is ordinarily impossible to know of it except by inferring its existence from a series of acts resulting from the intent or from the agreement. If, for example, in our saga of A and B, B is arrested for robbery and he tells the police nothing about his connection with A, who was outside in the get-away car when the robbery took place, how will the prosecution build a case of conspiracy between A and B? Perhaps A and B are old friends and former employees of the store they robbed. Perhaps they were seen together shortly before the robbery. Perhaps, in addition, A was seen alone outside the store several times in the weeks preceding the attempt, and was seen subsequent to the robbery with new clothes and a new car. A may even have left a note at B's home saying he was leaving town for a while. Or A may have told someone he and B found a way to make some easy money. Is conspiracy to be inferred from this circumstantial evidence? How are we to know whether, in each of these instances, A was acting in behalf of B as well as himself? Is A speaking for both?

Birds of a Feather

It is at just this point that we must confront the paradox of these conspiracy cases. A's acts and statements are admitted against him alone until such time as there is independent evidence of the conspiracy – *e.g.*, reports that they were seen together or had a joint bank account. When enough such evidence comes into the case to satisfy the judge that there was a conspiracy, then every one of A's acts and statements may be treated by the jury as admissible against both A and B. In the nature of things, however, the case will unfold with the same witnesses testifying to both "independent" evidence and evidence admissible against A alone. However careful the judge may be in trying to explain matters, the jury will inevitably see the case as a whole, with the evidence nominally admissible against A rubbing off on B, and vice versa. Justice Jackson's characterization of the plight of the defendant in such a case has become classic:

> "When the trial starts, the accused feels the full impact of the conspiracy strategy. . . . As a practical matter, the accused often is confronted with a hodgepodge of acts and statements by others which he may never have authorized or intended or even known about, but which help to persuade the jury of existence of the conspiracy itself. In other words, a conspiracy often is proved by evidence that is admissible only upon assumption that conspiracy existed. . . . A co-defendant in a conspiracy trial occupies an uneasy seat. There generally will be evidence of wrongdoing by somebody. It is difficult for the individual to make his own case stand on its own merits in the minds of jurors who are ready to believe that birds of a feather are flocked together. If he is silent, he is taken to admit it and if, as often happens, co-defendants can be prodded into accusing or contradicting each other, they convict each other."

Trial judges tend, in addition, to surround the crime with a clandestine air, telling jurors how difficult it is

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for the prosecutor to make out the case, how secretive conspirators tend to be. The net effect is to invite juries to find "guilt" on less evidence than is required of other crimes. Persons charged with conspiracy tend, therefore, in a practical sense, to have the burden shifted to them to exculpate themselves from the welter of circumstantial evidence.

The *Apalachin* indictment sought to add to the problems ordinarily posed by conspiracy yet another one, less obvious than the usual ones and for that reason more dangerous. It included as an "unlawful object" of the conspiracy the defrauding of the United States. Unlike frauds generally, which require false statements made for pecuniary gain, this species would have been made out if the defendants had agreed to be "obstructive" and to use "dishonest means" to keep the grand jury from learning what had occurred. Arguably, an uncooperative attitude might have sufficed. Such a theory would not have supplied the agreement but it might have obviated the requirement that the government prove what really happened at Apalachin.

There was precedent in the Second Circuit for such an approach. In *United States v. Klein*, in which I appeared as one of defense counsel, the government took the position that under a charge of conspiracy to defraud the United States, there was no requirement that it prove the true facts regarding financial transactions, bearing on taxes, in which the defendants had engaged, or that they had violated the Internal Revenue Code. And the trial court adopted the position of the prosecution. It was enough that they had agreed "to conceal from the government . . . information . . . to which it was entitled. . . ." Transposed to the *Apalachin* case, the *Klein* charge to the jury would have authorized a conviction of conspiracy to defraud the United States if the jury found that the defendants, to use the trial judge's vivid phrase, had agreed "to throw sand in the government's eyes." For some reason the trial judge, in *Apalachin*, did not charge the jury that it could find the defendants had agreed to defraud the United States. It charged only on the agreement to obstruct justice, which has been narrowly construed. And that offense, said the Court of Appeals, had not been proved. It remains for another day to test the full extent of the prosecutor's power under the statute punishing conspiracy to defraud the United States.

It is not difficult to speculate about the impact of so vaguely defined an unlawful object upon a crime as sprawling and elastic as conspiracy. If the agreement is to rob, there are limits beyond which the evidence, the instructions and the jury's speculations may not go. But if the agreement is to obstruct the government by dishonest means, where are the limits to be found? Imprecise definition and procedural infirmities would then feed each other and make it virtually certain that a charge of this kind would get to the jury – where conviction would very likely follow automatically upon a showing of suspicious behavior by the sort of people who ought to know better.

The essential dilemma posed by the crime of conspiracy is that, in its attempt to cope with group crime, it sacrifices a good deal of the assumption that, to use Justice Rutledge's phrase, "with us, guilt is individual." Whatever the merits of ridding ourselves in this way of a good many unpleasant people, it is at a high price in sacrifice of protections surrounding the individual. Nevertheless, persons do band together to commit crime. Should society be hampered in coping with the problem because it may be difficult to prove genuine involvement of any individual in the group? Often, the crimes they plan are very complex. Should society be forced to a precision of definition which would permit people to operate just this side of the line of illegality?

Because conspiracy poses such difficult problems of proof and *because* it makes it so difficult to select the innocent from the guilty, it should be limited to situations in which there is special need for the concept. Clearly, when a crime has been committed, there is no need for a separate crime of conspiracy. At present, the existence of such a separate crime invites prosecutors to charge for the agreement alone whenever they have difficulty in proving the crime which is its object.

Redefining the Concept of Conspiracy

Is there a special need for the conspiracy charge when the criminal object has *not* been attained? If A alone attempts to rob but does not succeed, he can be punished for the attempt under the laws of most states, provided he has come very close to perpetrating the robbery. This approach suggests the appropriate course for conspiracy. It should ordinarily be criminal only if the agreement has been carried to the advanced stage of an attempt – to a point beyond any substantial likelihood of withdrawal. The special situations which presently dominate the image of conspiracy, those dealing with the professional gang engaged in organized crime, should be attacked with techniques designed to cope with them. Among those techniques, there may well be a place for a concept of conspiracy redefined to reach only the groups whose danger to society is capable of description.

Unfortunately, however, thoroughgoing reform of conspiracy law is not probable in the near future, if only because we are about to embark once again upon a "war against crime." Our best hope is that the new prosecutors, mindful of the fact that war psychology often brings with it an undesirable flabbiness of principle, will use the charge of conspiracy with a sensitive concern for the threat to liberty inherent in it.

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Truth versus Ideology

by Louis J. Halle

My friend Harry Simple settled himself back in the easy-chair and placed his finger-tips together, like Sherlock Holmes about to address "my dear Watson."

"We are told," he began, "that the Cold War is a struggle between rival ideologies, our own true ideology on the one side, on the other the false ideology of our opponents."

"So it is," I said.

Harry has a way of talking right on as if you weren't there. "Clarence Day," he continued, "had something to say on the subject of ideologies. What he said was that 'so long as men intertwine falsehoods with every seer's visions, both perish, and every civilization that is built on them must perish too'. Perhaps one could define an ideology as a seer's vision that has become intertwined with falsehoods. This is especially the case when an ideology is thought of as something for the drummers to take out on the road and sell. It falls into the class of one of those patent-medicines which the salesman claims is equally good for fallen arches, sexual weakness, and the common cold. It comes to be a magic name rather than a belief – a brand-name to which people give allegiance without troubling to know what the bottles that bear it contain. Once the name has been accepted, anything can be sold under it."

"For instance?" I said.

"Well," he replied, "take 'Marxism'. Presumably 'Marxism' is the ideology which old Doctor Karl Marx invented, so that if you want to know what it is you have only to read the words of his formula. When you do read Marx, however, what you find is something quite different from the 'Marxism' for which Moscow speaks today. You find that Moscow's 'Marxism' has abandoned some of Marx's basic ingredients and substituted others that Marx called poisons. But the label is kept, however much the product has been changed."

"That's easy to say," I put in. "It would be harder to prove."

"Not at all," he replied. "It's self-evident. It's self-evident, for example, that 'Marxism' in Russia has transferred its allegiance from a worldwide social class to that bourgeois contraption (according to Marx's 'Marxism'), a nation-state. This is quite a change, when you recall that Marx's 'Marxism' was nothing if not an international working-class movement. Take the soldier's oath in the Red Army. Originally the soldier had to swear 'to direct my every act and thought toward the great aim of the emancipation of the toilers'. In 1939 this was replaced by an oath in which the soldier had to swear, instead, 'to come to the defense of my fatherland, the Union of Soviet Socialist Republics'. Mr. Khrushchev, today, thinks of himself as representing, not the workers of the world, but the Russia over which the czars presided before him."

"Now you're giving an exhibition of mind-reading," I said. "How do you know how he thinks of himself?"

Harry has the kind of memory that makes it practically impossible to win an argument with him, even though you happen to be right. He proceeded, now, to quote a statement which Khrushchev had made when he was addressing the Supreme Soviet in Moscow in 1959. Referring to his own country and France, he had said: "We were allies in both World Wars."

"I call your attention," Harry continued, "to the fact that France's ally in the First World War was Nicholas II's Russia. Mr. K was including Nicholas' Russia in the term 'we'. This is a considerable change since the days when the new Bolshevik regime in Moscow refused to pay Russia's debts because Russia was no more, because it was not, itself, even a successor regime. Why should the workers of the world pay the debts of the former Russian Empire?"

Having disposed of my interruption, he proceeded with his monologue. "I don't doubt," he said, "that if the Communist Party of the Soviet Union should embrace Roman Catholicism tomorrow it would still be considered 'Marxist' – if that was the label under which it still went."

"Are you trying to tell me that the Communists are not Communists?" I asked.

"I'm saying that I don't know what they are, beyond their label – which seems good enough for you.

"It's the same," he continued, "with the other ideologies: 'Capitalism' or 'Liberal Democracy' or 'Freedom'. Most of the countries that are associated together in opposition to 'Communism' today could hardly be said to represent any of the classic definitions that have been given to any of these terms."

"I'm glad nobody else is here to hear you," I said. "I consider that kind of talk highly irresponsible."

"My friend Harry Simple has been to visit me again," reports Louis J. Halle, *formerly a member of the State Department Policy Planning Staff and now a professor at the Institute of Higher International Studies in Geneva. This is the first of three articles.*

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"Our side faces a further confusion," he went on, disregarding my interruption, "in that its traditional attitude has always embraced the tolerance of diversity. Our American Founding Fathers never claimed, as the 'Marxists' have, that whatever they stood for represented the final truth for mankind, that all contrary opinion was therefore false and not to be tolerated. An element of agnosticism was fundamental to their thinking, based on the view that none of us can claim to know all of God's will, or Nature's purpose, or History's goal – whatever you want to call it. According to this view, ultimate truth is withheld from us, and since none of us have it, all of us must be allowed to form the best opinions we can and to present them freely for consideration in the marketplace. But this view doesn't jibe with the view that the Cold War is a struggle between our one true warranted ideology (whatever it is) and the other side's false ideology (whatever it is)."

"I don't agree," I said. "I don't agree at all. At least *I* know what *I* stand for and what *I* mean by these terms. I mean what Abraham Lincoln said in the Gettysburg Address."

"So do the people in Moscow," he replied. "Ask them and they'll tell you: 'government of the people, by the people, for the people' – that's them."

"You're just in one of those moods when you're being deliberately outrageous," I said.

"Perhaps I am. But what I want is more stable ground on which to base our moral position than what is provided by this crude view of ideological struggle. And, for another thing, I want ground that will support a better hope than the prospect that the John Birch Society will ultimately triumph over Communism.

"This brings me," he continued, "to what I really have on my mind. I want to look into the meaning of a concept that has always been fundamental in human thinking. It's a perfectly simple concept that all children learn about almost as soon as they learn to talk. It goes by the name of 'truth'."

I settled myself in my chair for a long haul, seeing that Harry was only now getting into his stride.

"Without the concept of 'truth'," he said, "human thought can have no ultimately serious purpose. Yet the word has always been extraordinarily difficult to define. You might say that the whole record of philosophy since Thales of Miletus represents the attempt to define it. This attempt has finally led, in modern times, to the view that there is no such thing as truth – or no such thing, at least, as any absolute truth. Like time and space in Einstein's universe, it's all relative. What I take for truth may be true in terms of my own faculties and the circumstances in which I exercise them, but it has no independent validity. The sky looks blue to me because my eyes are made to see it that way. Someone else might have eyes that saw it as yellow. And no one can say that it is the one or the other – or anything at all in itself.

"Again – an orthodox Marxist would say that what seems to me to be the truth is merely a function of my membership in a particular social class. It's a function of my particular class-relationship to the means of production. So we come to the conclusion that truth is a relative thing, like a dream that represents nothing more than the effect of something I ate for supper.

"This nihilistic view, however, goes way beyond the agnosticism of the Founding Fathers, which reflected merely a humble awareness of how limited our human faculties are. It tends, rather, to go to the extreme at which any statement is to be considered just as true as any other statement, all truth being merely relative. What we call 'truth', then, having no value in itself, is to be valued merely for its utility – as a weapon in the class war, or in 'the war for men's minds'.

" 'The war for men's minds'," he continued, "means the contest between our ideology and that of our opponents. So we get back to where we began. But with a difference now. Note that in the relativistic view the rival ideologies have no value in themselves – if the intrinsic value of an ideology is its truth. Their value, in this view, is merely pragmatic. Moscow's ideology has been designed to give it the victory: ours must be designed to give us the victory: and the question of 'truth' has nothing to do with the matter. We proclaim, as our true beliefs, whatever it is most useful for us to proclaim." He paused.

"My point," he continued at last, "is that this abandonment of the value called 'truth' represents a corruption that makes us no better than our rivals."

The Disrespect for Simple Truth

"But what if it's true that there is no truth?" I asked, bracing myself to have Harry reply that, if there was no truth, then it couldn't be true that there was no truth. By now, however, he was completely entranced by his own words, paying no attention to me.

"I admit," he said, answering an assumed question of his own rather than the one I had asked, "I admit that the Communists have gone further in this corruption than we have. We do, after all, recognize a very simple kind of truth – the kind to which children are brought up. If you say, for example, that I'm the man who assassinated Lincoln, we recognize that as untrue. On the other hand, if you say that I have five fingers on each hand, we recognize that as true. It seems to me awfully important to keep this simple kind of distinction between true and false in mind, and to respect it. To the Communists, however, there has never been any doubt that a plain lie which helps the cause is

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better than a truth which hurts it. If it helps the cause to say that the enslaved workers of America are starving, or that Mr. Hammarskjold murdered Lumumba with his own hand – if it helps to say such things there is no compunction about saying them. A useful lie is better than an unuseful truth.

"I recognize that this disrespect for simple truth is the staple of demagogy everywhere today. We see it in Asia, in Africa, and in Latin America – in the pronouncements of the Sukarnos, the Nassers, and the Castros – and we are not altogether without it ourselves. But in the Communist world this kind of lying is systematic and traditional. It's enshrined in dogma.

"I say, then, that what is particularly reprehensible and corrupting in the movement represented by Moscow is less an ideology, which is anything the bosses want to make it, than it is the viciousness of systematic falsehood. Here, at least, is a solid basis for drawing the issue of right and wrong. Respect for the truth, in quite a simple and obvious sense, should be, if not the whole foundation of our moral position, at least a central and essential part of it. It offers a criterion for distinguishing our own best tradition from the practices of a ruthless demagogy. And it thereby clarifies the alignments in this world of 'ideological' conflict. By it, for example, Communism and McCarthyism would alike stand in opposition to what we can genuinely represent.

"If this respect for truth gives us a more stable ground on which to base our moral position, it also offers us a better hope than we can find in the ideological conflict cynically conceived. The reason why a simple allegiance to truth offers a better hope is that, like the sense of justice, it is native to mankind and ineradicable. I can't see the Russian people embracing Jefferson's doctrine of Democracy or the Capitalism associated with J. P. Morgan. But the objection to simple lying is just as much innate to their minds, after 40 years of totalitarian propaganda, as it is to our own. No Orwellian regime can overcome or outlast it. This is why we have, in a respect for truth, not only solid ground for our belief in ourselves, but also a basis for hope in the future."

Motherhood, Virtue and Truth

"I'm not sure your hope isn't too optimistic," I said. "What makes you so sure that 40 years of lying haven't undermined the Russians' respect for the truth?"

"I'll tell you what set me off on this whole business," said Harry. "It was this article in the *Herald Tribune*." He pulled himself up and reached for the newspaper on the table beside him. "Here," he went on, "let me read you part of it. It's by Walter Lister, Jr., and it's datelined 'Moscow, April 10'. It reports an article in the *Literary Gazette* [the organ of the Soviet Writers' Union] by a writer called Alexei Ivanovich Panteleyev. Mr. Panteleyev complains of all the 'enemy slogans, cheap clichés, little lies and outright false information' to which Soviet youngsters are exposed. 'Worse than clichés, Comrade Panteleyev charged (according to the article), is 'the rotten influence of lies and semi-truths'." He gave an example from his experience:

> "A schoolgirl was to speak over the radio about how she and her classmates helped in building a new school, he recalled. She was nervously checking her notes, he said, when an 'energetic man' brushed them aside and handed her a prepared text to read.
>
> " 'But how can I?' the girl protested. 'It's not the way it was. It says here the crane operator could not surpass us. Why, we never saw any crane operator, and, really, all we did was remove some waste. We never did the things that are written here'.
>
> "Comrade Panteleyev, who happened to be at the radio station, reported that the official reassured the girl: 'Well, little one, this isn't so dreadful. It isn't as though you were lying to your mother or father.' And he gave Comrade Panteleyev a knowing glance.
>
> "The author said he tried to intervene on the girl's behalf, but found that the 'pompous text' had already been 'approved, signed and sealed'. So she read it in a wooden voice, and the result was 'catastrophe', he said.
>
> " 'Imagine her friends who heard their honest friend telling what they knew to be lies', the author said. 'Of course she would explain, but the children would get but one idea: you are not supposed to lie to your teacher or to your father or to your mother, but it's all right to lie through the microphone'.
>
> "Such things happen so often, Comrade Panteleyev said, that 'we don't notice ourselves how much poison is dispersed by such people, who don't know where the truth ends and where the lie begins'."

Harry put the paper down. "Can there be any doubt," he asked, "that that little girl and Comrade Panteleyev are our fellow men and our allies – in a sense in which Joe McCarthy was not? What I'm saying is that here, in this, lies the hope of the future."

He stopped, and silence reigned until at last I broke it. "After some of the most outrageous talk I have ever heard, you end by coming down on the side of motherhood, virtue and truth. It's unlike you, Harry."

"I know," he said. "It sometimes happens to the worst of us."

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"Arm'd in Honesty"

War, being the summation of all evil, inevitably includes lying, spying, deceit and treachery. It is regrettable, but bewailing it is useless, for if you are going to have war you must take what comes with it, including moral degradation, as well as the butchery of young men and the destruction of accumulated wealth.

Yet the average American, an ingenuous soul, is taken aback by the discovery that the difference between a Cold War and a hot one is merely that in a Cold War the butchery and the material devastation are eliminated. The moral degradation goes right ahead.

Take, for conspicuous examples, the cases of Dwight D. Eisenhower and Adlai E. Stevenson. It has been the universal opinion among Americans that Eisenhower is not only an officer, but an officer and a gentleman, and that Stevenson is a man of honor if one exists among us. Yet within a year both men stood up in public and lied like Ananias, Eisenhower about the U-2 flight, Stevenson about the aviators who bombed the Cuban airfields. To be sure, neither knew that he was lying. Eisenhower was merely repeating what his inferiors, Stevenson what his superiors in the government had told him. Nevertheless, they lied, and that is all the rest of the world knows, or cares to know. They were involved in a Cold War and somebody in Washington deemed it necessary to lie.

That somebody may have been a fool, but he had his way. It is the belief of some of us that the loss of one leading statesman whose word may be accepted implicitly is more damaging to this country than the loss of an airplane carrier; but that old-fashioned opinion does not prevail in Washington. The integrity of the individual is to be sacrificed instantly if some real or supposed advantage is to be gained. Honorable reputations are strictly expendable in a Cold War.

But is that in fact sound tactics? Here is one observer who can't see it, neither with the naked eye nor with the 200-inch telescope on Mount Palomar. In any war, cold or hot, a Bayard *sans peur* is valuable to his country, but 10 times as valuable when he is *sans reproche* also. For in any war, cold or hot, there comes a moment when battling has gone its limit and it is necessary to discuss peace terms; and in that moment a negotiator that all men know "sweareth to his own hurt and changeth not" is worth an Army Corps.

It may be unimaginable, but try to imagine a time when Khrushchev will become secretly worried by the increasing power of his already formidable neighbor Mao. He might then decide that he had better secure his Western frontier before the Eastern bursts into flame. To do that, he must have an agreement with the United States on which he can rely, which calls for the signature of some American statesman whose word is better than his own. Who is that statesman?

As individuals, either Eisenhower or Stevenson would qualify, but as officials both have been badly damaged by Washington's recklessness with reputations. Kennedy? But who gave Stevenson his orders, or at any rate permitted him to walk blindly into the trap? The strategists of the Cold War have pretty well stripped us of any political leader "arm'd so strong in honesty" that even Khrushchev would have to believe what he said.

It is a serious impairment of our strength. State's cookie-pushers, CIA's Hawkshaws, and the Pentagon's Colonel Blimps may not believe it, but when a President of the United States and an Ambassador of the United States are caught telling flat lies the country is damaged, badly damaged.

The fact that both of these gentlemen were themselves deceived absolves them, but damns the system more deeply than ever. For if a President and an Ambassador can't get at the truth, what earthly chance has anyone else?

Does President Kennedy realize this? If he doesn't, he is as completely under the spell of the Madison Avenue soothsayers as ever Eisenhower was, and we may look forward to four years more of declining prestige and increasing humiliation. But if he does, why hasn't he torn the place apart? For Madison Avenue is right to this extent – in public life it is not enough to be, you must seem to be. Where the soothsayers are fatally wrong is in their assumption that it is enough to seem, and not necessary to be.

It must be admitted that John F. Kennedy faces more trouble than any newly-arrived President since FDR in 1933. But Kennedy also has an opportunity as great, perhaps greater. FDR saved capitalism, but Kennedy has a chance to save our self-respect; and to be respected, especially to respect one's self is not a whit less important than to be solvent. Great men in the past have thought it more important.

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The Struggle for the Union Continues

by Peter d'A. Jones

In May, 1854, Congress destroyed the Missouri Compromise with the Kansas-Nebraska Act, and a Republican from Harvard, Senator Charles Sumner, declared: "It annuls all past compromises with slavery and makes all future compromises impossible. Thus it puts freedom and slavery face to face and bids them grapple. Who can doubt the result?" Seven years later, in April, 1861, the War to preserve the Union broke out. Slavery was abolished as an economic and a racial institution; the economic and racial subjection of the American Negro remained.

The Legacy of the Civil War
by Robert Penn Warren
(Random House; $2.75)

In May, 1954, almost one hundred years later to the day, the Supreme Court annulled the Compromise of 1896 *(Plessy v. Ferguson)* over Negro education, rejecting the "separate but equal" doctrine. America was to return to Sumner's original ideal as embodied in the 14th Amendment; segregation and cultural pluralism were put face to face and bid grapple. Seven years have again passed by and the nation is in the throes of the Civil War centennial. If we are to accept the implication of Robert Penn Warren's interpretation of the essential human significance of that centenary, it is an experience from which the Negro American is apparently excluded. Indeed, to a British observer (with many dear friends in Dixie and points North) the War would in fact appear curiously irrelevant to many thousands of Americans whose ancestors were still toiling in Europe long after Appomattox.

But for Warren, at least, the Civil War *is* American history – the only "felt" history lived in the national imagination. His book is novelist's history: about a hundred elegantly bound pages of large, well-spaced print; very readable (the "dogwood bloomed white in the dark woods of Shiloh"), tentative, ultimately fuzzy.

Four main ideas structure the essay: the "Higher Law" attitude of Northern abolitionists, and the "Legalism" of Southern apologists – two absolutisms which helped to create the conflict; the North's moral narcissism (the "Treasury of Virtue") and the South's neurotic automatism ("the Great Alibi") – the "obscene gratifications of history" which were the outcome of the conflict. A balanced approach?

From the outside, it seems that the abolitionists take an unfair beating, and their transcendental mentors receive the crudest kind of "economic interpretation" at the poet's hands. They were men, we are told, who repudiated society because they had lost personal control over it through the rise of cotton-mill wealth in New England, and the decline of government by the genteel. What's worse, they were men who opposed slavery because it produced the cotton that enriched and empowered their rivals, the manufacturers. Even the wage-slavery argument is resurrected – that the reformers enjoyed "conscience without responsibility"; they ignored the exploitation of white labor in Northern mills and even opposed wage and hour improvements, as did William Lloyd Garrison himself, (and Wilberforce, the liberator of slaves in the British Empire). Here, an outsider would tend to ask: at a later date, was Progressivism totally vitiated by its moral blindness to the American Negro? The wage-slavery argument is in any case ultimately as morally irrelevant today as it was when Southern slaveowners first adopted it a hundred years or so ago.

There is more ground to the claim that some abolitionists were bloody-minded, and, to quote a modern scholar of slavery, fell into "hatred both of the sinner and the sin" (John Brown's text: "without the shedding of blood their is no remission of sins"). The author hastens to reveal that "racism and abolition might and often did go hand in hand." The abolitionists were inflammatory, irresponsible and prepared to reject the Union itself. But no parallels are made here with Southern violence; in fact the wild rhetoric of Southern leaders is ignored and the sins of the secessionists brought down upon the heads of Northern reformers! Garrison may have cursed the Union; the South shattered it. Not unlike South Africa today, the Confederates were members of a political society that was taking new directions; against its ideals they balanced race distinction, social hierarchy and agrarianism; they chose the latter and revoked the former. Or so it seems, in spite of all the complexities, to the foreign student.

After all, to descend to the specific, through the compromise period, 1860-61, Southern members refused to serve on conciliation committees; instead they gave long speeches on Southern rights and the dangers of Lincoln's election; 16 out of 22 Southerners present in the House refused to vote for the Compromise Committee of Thirty-three (Dec. 4, 1860); in the Senate, Toombs and Davis signed the Southern Address of December 14, in a premature and irresponsible rejection of all compromise. "The argument is exhausted. . . . All hope of relief in the Union is extinguished," they declared before conciliation had even begun. The cotton states scuttled Etheridge's scheme (January 7, 1861) by abstention, and refused to allow the Crittenden Compromise even to be discussed in the Senate (January 16). Apart from Sam Houston in Texas, A. H. Stephens in Georgia and a few others, all genuine compromise feeling was limited to the border states; but the Deep

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South was in control. Perhaps the abolitionist minority were violent; but they did not gain control of the North in 1860 – Lincoln won the election.

An equally undesirable absolutism was Southern Legalism, because, in Warren's words, it denied life by denying change (especially after 1831) and demanding human bondage. But here there is a special circumstance, a qualification to make: this legalism apparently preserved democratic liberties in the South during the War, liberties destroyed of course, in the North by the autocratic Lincoln. In a "loaded" passage, half-eating his words, Warren admits that this "libertarianism" might merely be "an extension of the old minority psychology"; but he cannot resist adding,

> "... The old legalistic bias of mind fulfilled itself in an apparent libertarianism so extreme and doctrinaire that even the obvious necessities of victory could not contain it. The habit of mind that had worked to precipitate the War, now worked with equal efficacy to lose it."

This is surely ambiguous. The implication seems to be that the South fought the War for democracy and lost it because it was too democratic to be efficient. How far can revisionism go?

Even the balanced account of the costs of the War in blood and treasure becomes a story of Southern misery and ruin and Northern "pocket-book and belly rejoicing." With the Great Alibi, the South turned defeat into victory, and in Warren's telling words, made "any common lyncher ... a defender of the Southern tradition." Parodied history provided rationalizations for the status quo. Of course, there were extenuating circumstances, as with antebellum Legalism; the race question was beset by "objective difficulties." But no excuse is offered for Northern myth-making, the "Treasury of Virtue." For the North, the War was a "happy marriage of victory and virtue," a remission for all sins, past, present and future. Painful facts were excluded: the Republican platform of 1860, pledged to *protect* slavery where it already existed; the Proclamation of 1862 abolished slavery only in those seceded states that refused to return to the Union fold. Warren does not choose to interpret these things as proof of moderation, however.

Perhaps it is true that racism was common in the liberating army; after all, it is widespread in the North today, even if informal. But is it fair to say that Northern "crusaders" felt that the "work of virtue" was finished? Precious little came from the South even after 1877; the reforms that transformed Old Style American Capitalism came from the Northeast, and Bostonians were often the leaders.

Out of his familiarity with recent scholarship Robert Penn Warren tries to give what he probably conceives to be a middle-of-the-road account of some origins and results of the Civil War, but the old partisanship shows through in the very choice of language; everywhere there are hints, implications not developed, nothing open. What should we infer from the complaint that, in those days, men were "in the deepest sense, individuals ... powerful and suggestive images of integrity," in sharp contrast with "our age of conformity"? That in the Civil War there was a sense of place, and a sense of community? We can accept this from Eudora Welty; but we have more claims on a novelist who becomes an essayist, almost a publicist. Legitimately, the creative writer may shun the moral abstractions and seek to portray the human predicament, as Pasternak did so brilliantly in *Dr. Zhivago*. But in "The Briar Patch" (in *I'll Take My Stand*, 1930) Warren identified himself with the Tennessee Agrarians. He rejected modern society and advocated Negro tenancy – with total disregard for agricultural economics – as "the surest way for the greater number of the Negroes to establish themselves" and as a "ballast to an extravagant industrial expansion" in the South. So when he "looks *back* nostalgically on the romantic image of some right and natural relation of men to place and man to man," what are we to think? ... That all was well with the sharecroppers of 1930, or even better with the slaves of 1860?

The Legacy of the Civil War is in one respect like his book, *Segregation*, written in 1956: it does not conclude, it peters out. The work of 1956 was much more irrelevant, shallow and slipshod. Interviewing himself in that book he said: "Gradualism is all you'll get. History, like nature, knows no jumps. Except the jump backward." Why does the Northern press distort Southern news? "They like to feel good." Since some Arkansas Negroes canvassed *for* segregation, it follows, we read, that "There *are* Uncle Toms. So it all evens out." It all evens out. It certainly does: into one myopic blur, the product of a superficial relativism gained from a reading of the revisionist historians. Instead of widened horizons and flexibility of mind, we get fuzziness, a fashionable pessimism about modern society and an implied rejection of its values, an unconscious and unescapable bias. So the War was fought by "the farm boy of Ohio, the trapper of Minnesota, and the *pimp* ... of New York City"; out of the struggle came a new concept of total war, key to Northern victory, and, of course, "a people's way of fighting reflects a people's way of thinking." Many of his criticisms of Northern society may be valid today; there are still "moral voyeurs" among Northern liberals who never go South. But no implication about *Southern* society can be drawn from this – especially since the difference between the mid-19th and the mid-20th Century is that now the stirring comes from *within* the South itself. "Social problems," Warren has written, "are rarely to be solved by men totally outside of society." To some extent the abolitionists were outside society; the Southern Negroes with their "sit-ins" are not.

Now, as before the War, the problem of race-relations has become too evil to look in the face; now as then, the question has been diverted to a constitutional struggle between federal and state authority. "This is not the United States of America," says Robert Patterson of the Citizens' Councils, "this is Sunflower County, Mississippi." "The Union," writes Warren, "gives us our most significant sense of identity ... and the best and most inclusive hope for our future." The struggle for the Union continues. That is the real *Legacy of the Civil War*.

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Cheever's Inferno

by Frank J. Warnke

It is easy to be put off by the archness of the title attached to this collection of stories, and by the author's sporadic attempts to maintain that there is unity behind the collection:

> "In order to become readable again, to say nothing of recouping some of its lost importance, fiction can no longer operate as a sixth-rate boardinghouse. And in a world that changes more swiftly than we can perceive . . . the process of eviction, of selecting characters of stature, can be as interesting as the final cast."

One suspects in this apologia something more dangerous than gimmickry; one fears nothing less than a failure of belief in the validity of the imagination – and some developments later in the volume seem to bear out the fear. It would be a pity, though, to be completely alienated by either the pretensions or the wrong-headedness of the book, for Mr. Cheever is a writer whose talents enforce respect, and some of the stories in this volume are excellent. In "The Death of Justina," for example, the commonplaces of suburban life – zoning laws and supermarkets and virtuous attempts to give up smoking – take on the lurid colors of nightmare, and in "Brimmer" an ordinary respectable man's shipboard encounter with an archetypal satyr becomes an ironic observation on the complexities of experience.

Some People, Places, & Things That Will Not Appear in My Next Novel
by John Cheever
(Harper; $3.50)

In these, as in other stories, Mr. Cheever presents memorable transformations of conventional modern life into an infernal commentary on itself: in "The Scarlet Moving Van" a decayed athlete disrupts a fashionable community and, by imposing an unmet moral challenge on him, corrupts one of its citizens; in "The Wrysons" a suburban couple, monstrous in their typicality, are brought to a brief and inconclusive epiphany by their mutual hitherto-disguised oddity. But the latter of these stories is vitiated by the author's failure of nerve: for his own reasons, near the end, he deliberately tears the veil of illusion, comments wryly on the Wrysons as fictional creations, and suggests alternative destinies which he might have imposed on them. The reader would be completely puzzled by this seeming abdication of fictional responsibility (which occurs markedly also in "Boy in Rome") if it were not for some hints contained in the last, and archest, selection in the volume – "A Miscellany of Characters that Will Not Appear." Here Cheever flings at us a number of half-drawn fictional people, together with his reasons for dismissing them from his serious artistic attention – lushes, homosexuals, "explicit descriptions of sexual commerce," "scornful descriptions of American landscapes" – all must go, people and scenes alike. If the dismissal were based simply on the dreary fact that such figures and descriptions have become clichés in modern fiction, one could only sympathize and agree. But, by his own admission, they have haunted Mr. Cheever, and his rejection – almost his exorcism – of them is based on his belief that they "throw so little true light on the way we live" or that they "are the temporary encampments and outposts of the civilization that we – you and I – shall build." The final exorcism – of romantic exoticism – concludes thus:

> "... how could this snowy and trumped-up pass, with its trio of travelers, hope to celebrate a world that lies spread out around us like a bewildering and stupendous dream?"

The words echo the conclusion of "Dover Beach," but one remembers that Matthew Arnold goes on to observe that this world

> "Hath really neither joy, nor love, nor light,
> Nor certitude, nor peace, nor help for pain;
> And we are here as on a darkling plain
> Swept with confused alarms of struggle and flight,
> Where ignorant armies clash by night."

Cheever's vision is more of nightmare than of promise, and his struggle against the terms of his vision has made this book less than what it might have been.

The nightmare vision points up an affinity between Cheever and a whole important aspect of the American tradition in fiction. Like Hawthorne and Melville, he is a haunted chronicler of the impingements of an inexplicable malevolence on ordinary life; like Hawthorne and James, he is obsessed by the contrast between American rawness and innocence and European culture and experience. (The least convincing passages in the volume occur when, as in "The Duchess" or "The Golden Age," he tries to lay this particular ghost by pointing out that castles are leaky and that Italians like television.) These are great names which I have conjured up, but Mr. Cheever is not wholly unworthy of their company: for one thing, he is the master of a prose style as natural, clear, and luminous as any currently to be found among our writers; for another, he has the quality of invention without which fiction becomes merely documentation. It will be a disaster if the desire to be true to the surface of "the way we live" and the impulse to achieve a positive statement of social values prevent him from following – wherever it may lead him – the inner vision which is both his burden and his birthright.

NOTES ON CONTRIBUTORS

Peter d'A. Jones *is a young British historian whose specialty is American history. He is on the faculty at Smith College.* Frank Warnke *teaches English at Yale.* William Chapman *is a reporter for the* Washington Post.

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Familiar Truth, Unconvincing Fiction

by William Chapman

One can scarcely quarrel with the moral of this novel of the Presidency – that peril awaits the nation entrusted to a manufactured idol lacking the courage or ability to face the hard facts of power. But *Not To The Swift* has the effect of transforming this uncomfortably familiar truth into unconvincing fiction. Its characters are cardboard-thin. Its representation of American politics is superficial.

Not To The Swift
by Tristram Coffin
(Norton; $4.50)

The time is the near future. Malcolm Christiansen, a Marine colonel, wins a victory of sorts in an unpopular war against Philippine peasants. The Republican power elite sees him as an appealing, manageable candidate who, because he lacks any indentifiable conviction except that peace is good, is just the right man for President. Their judgment is confirmed when the colonel, pre-tested in public like a new automobile styling, demonstrates the astounding ability to project a "benevolent image" and simultaneously to stir a "distinctly libidinous reaction" among voters. The hero wins the Republican nomination from a hapless Old Guard candidate, campaigns in a storm of meaningless speeches and wins by promising to cancel the peacetime draft.

Once in the White House, President Christiansen spends much of his time at his bird-feeding stations, leaving the worrisome tasks of government to his cabinet and assistants. Official reports bore him and are left unread. Bad news is laid before him only after he has been humored and petted like a small child. His concept of the Presidency is succinctly expressed when he says, "I have a team of good men and they are going to cooperate with Congress and I am going to devote myself to peace." His sole program is to beguile the Russian premier with his sincerity and good will; he believes this to be accomplished after a meeting in Geneva. The President is finally betrayed – partly by his own "team," partly by the Russians, but ultimately by the march of events he has steadfastly refused to recognize.

As a rather ordinary man frustrated in his failure to fill a role many sizes too big, President Christiansen is the only character of substance and individuality to be found in *Not To The Swift*. The others are either caricatures of recognizable men-of-the-times or stereotypes portraying some facet or another of American life. In the latter category is Secretary of State Silas King, a corporate baron-turned-statesman who looks upon his assistants as branch managers and upon a nominating convention as a proxy fight. "All I want to do is reduce taxes," he says, summing up his philosophy of government, "and any damn fool can see you can't do that unless you make a deal with the Russians and save 20 billion dollars on defense spending." King's associate in the Christiansen Crusade (yes, this one is called a crusade, too) are a hard-drinking press secretary who is devoted to keeping bad news from his boss and the real truth from the public; an intellectual Secretary of Defense whose quest for a Noble Purpose leads him to betrayal, and an opportunistic vice president who seems to have stepped intact from a Herblock cartoon.

Although it possesses fragments of insight and a few genuinely moving descriptive passages, *Not To The Swift* is a shallow statement of its implicit theme. It calls to mind the observation of James Reston that while the 19th Century belonged to the novelist, the 20th belongs to the journalist. For the politics and politicians of this novel have received more perceptive treatment in certain periodicals which were dealing with the real thing.

MOVIES

A Word Returns to Common Use

"Hitler" has become a word in common use again. Two or three years ago we had come to mention it as infrequently as we now mention Mussolini; but Shirer's excellent book (begun five years before) appeared in the year of Eichmann's capture, and now, depending on your age, you remember or learn what the Hitlerian era accomplished. At any rate the facts are rehearsed again, though they are still too monstrous to be comprehended. How can they ever really be taken into the compass of a human mind without bursting it?

Mein Kampf (Columbia)
The Bridge (Allied Artists)

Equally opportunely comes a documentary film called *Mein Kampf*. Its only strained note is an obviously inserted reference to Eichmann; otherwise it seems to be part of a large natural resurgence of interest in its theme. This film, assembled by Erwin Leiser from captured German footage, chronicles in condensed form the rise of Hitler, the effect of his rise on Germany and the world, and his defeat. Leiser has also written the restrained commentary. Certain aspects of the story are dealt with much better than others. The pre-Chancellory days of Hitler are covered more adequately because it is more of a single-strand story than is a global war. Also there simply is no film available on matters like Hitler's suicide, as against his accession to power.

There is some clumsy dubbing, which seems to be the result of matching recorded broadcasts with newsreels of the event, but generally the film has been edited with point and good pace. Although some of the material is familiar, one sequence you have not seen before: selections from the films,

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made by Goebbels' order, of the slow starvation of the Jews in the crowded Warsaw ghetto. I shall not attempt to describe this section.

According to the London *Spectator*, there is a hidden irony in Leiser's picture. He has used some clips from Leni Riefenstahl's Nazi propaganda film *Triumph of the Will* (easily recognized by their superior "soft" photography). Miss Riefenstahl has, it is said, managed to acquire a share of the profits. To some degree, therefore, this anti-Nazi film will reward her efforts on behalf of the Nazi regime.

Mein Kampf has had great success abroad, particularly in West Germany where half a million people saw it in the first eight weeks of its run. Most of them are said to be under forty. Is it fatuous for us to hope that this is a happy augury?

For us, this is not the ultimate film comment on its subject, either in exploration of historical motive or human character or in documentary technique. Nevertheless (can this be the right way to say it?) it is well worth seeing.

Also aptly comes a new fiction film from Germany – the best post-war German picture that I know. *The Bridge* was directed by Bernhard Wicki, a Swiss-born former actor who has worked under the talented Helmut Kautner. The screenplay is by Michael Mansfield and Karl-Wilhelm Vivier and is in every way superior to its source, Manfred Gregor's novel of the same name.

The plot framework makes one apprehensive. In the very last days of World War II a group of seven German high-school friends are hastily impressed into the Army. The boys are then assigned to guard a bridge leading into their own home town. Unknown to them, a kindly superior has posted them there to keep them out of futile combat; they are to be withdrawn and the bridge is to be demolished. But the corporal who knows this is killed, and the bridge is defended against US tanks, almost to the last child.

It seems a contrived skeleton ready for the pudgy flesh of TV or a tear-jerker movie. In proof there is scarcely a false moment in it. Because it is played to character truth, because the camera's record is unadorned with soppy comment, because the cast is concerned with inner realities and lets the pathos fall where it may, the contrivances become the paradoxes of chaos.

With a deftness reminiscent of Duvivier, Wicki introduces and realizes his large cast, creating relationships and the life of the town swiftly. (The crisp sound-track is notably acute, especially through these early sequences.) We are not oppressed, as is frequently the case with "cross-sections," by the sense of placards being hung around the necks of the group: the Proud One, the Sensitive One, the Poor One, and so on. They simply seem to *be* these boys, each with interests, shocks, humors of his own, each anxious to get into the Army. They are in service just one day (they have had some school training in arms) when they hold the bridge with bazookas and machine guns against tanks and toughened soldiers.

Wicki is as merciless as the facts demand. When a boy plunks a shell into a tank, his pals exult as if he had scored a football goal, while men inside are being roasted. Later, the survivors weep in fright as they cling to the triggers of their machine guns, but the bullets in the belly of the GI whom they shoot hurt just as much as if they had been fired by veterans. In its lucid, impartial insistence and insight, the film achieves the status of art.

Well, the senselessness is plain enough. The question is, whose fault was it? Like many post-war German films, this one takes place in the latter days of Hitler when Nazism was wearing thin and only Germanism was left; but it is clear from such books as Hans Kohn's *The Mind of Germany*, that the country had been busy for a hundred years cultivating the soil for Hitler. In Germany patriotism was not the last refuge of scoundrels, it was the first alcohol of the intellectuals – a heady brew of blood-and-steel Nordic romanticism. These boys in their outsize uniforms – from the Junker's heir to the washerwoman's pathetic son – are dream figures at the end of a century-old drunken delusion.

The end? It is fatuous (one asks again) to hope that? Surely if these boys had survived, they would now be seeing *Mein Kampf*.

STANLEY KAUFFMANN

TELEVISION

How Fair are the Highbrows?

Not long ago *TV Guide* published a collection of statements on "Television – As I See It" by a group of "distinguished Americans," which is to say by the kind of people who ordinarily do not contribute to *TV Guide*. Among them were John F. Kennedy, Erwin D. Canham, Robert M. Hutchins, and Gilbert Seldes. The one that interested me most was Mr. Seldes' article, "The Petulant Highbrow and TV." Mr. Seldes, who qualifies as a highbrow, if not a petulant one, summed up the basic approach of what he called the "ultra-intellectual" this way:

1. *He takes for granted that the worst example of any type of program – the silliest comedy or the most brutal crime picture – is average or typical.*

The trouble of course is that it usually is typical – or at least closer to the typical than the programs that might conceivably win the intellectuals' approval. (And, parenthetically, it is not true that only highbrow programs could get that approval.) It is natural enough that the critic in citing a trend will pick out the most striking example he can find. But were he to pick out a less egregious citation, the point would remain. The "silliest" illustrates television's tendency to be silly; the "most brutal" illustrates the pervading presence of brutality.

2. *He tends to talk about "the art of fiction" or "the dramatic art" as if 90 percent of the books and plays offered to us through commercial channels each year weren't unmitigated trash.*

Perhaps 90 percent is too high an estimate of the amount of trash published or produced on Broadway, but what-

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ever the percentage there is undoubtedly too much. I suppose that Mr. Seldes is saying that the Broadway theater and the publishing business are as bad as television and equally guilty of debasing popular taste. That might be a good point if there were not tremendous differences to consider. Just about everyone watches television – would that so many read books; the people who go to plays are a tiny proportion of the nation. The influence of television is vastly more telling; its proprietors, who exercise stewardship (not ownership) over the airwaves, can be held to much stricter account.

If we are in such a bad way that 90 percent of what we read and pay to see is unmitigated trash, then the critics are right in pointing up the responsibility television has to lift the standard. And it can be done, as I think we have all learned merely by watching old films on the late show. Many of those hailed in their day as great successes now seem impossibly bad and infinitely inferior to even the second-rate pictures being made today. Somehow – due perhaps as much to the challenge of TV as to anything else – Hollywood standards were lifted, and the people's taste came up with them.

The television people can find no out in talking about how low popular taste is, for all they do when they emphasize that is to point up ever more sharply their own responsibility to do something about it. I repeat what I wrote before: the charge given to the industry is not to give them what they want but to realize that they will want what they get, and to go on from there.

4. *He blames on television whatever he doesn't like in America or in modern life generally. This ranges from juvenile delinquency to the cold war and, if the critic is good, can project into the future.*

Mr. Seldes may have something here. In the face of frustration and disappointment there is a tendency to turn on the booming television industry. Perhaps making the TV the whipping boy is the intellectuals' equivalent of the recurrent yahoo attacks on politicians, educators, and the intellectuals themselves. I leave that question to the psychiatrists.

But isn't the essential point that television should not go along uncritically with what is wrong in the nation, aiding and abetting us in our absurdities and applauding our weaknesses? Isn't it television's job to tell the king he is naked? And yet how little dissent we hear on the air, how little satire, how little of the "prophetic." I think the critic is right in insisting that TV shares responsibility with the church, the university, and the press for making us better than we are. It can not escape that responsibility by telling us how badly the church, the university and the press are doing the job. It can, however, deny the responsibility by telling us we should look for leadership somewhere else. But the responsibility just won't go away.

5. *He believes that television is what it is because it sells soup and soap. No matter what the proof that state-operated non-commercial TV develops the same characteristics, the sponsor remains the villain.*

I agree with Mr. Seldes: there is too much hope placed in state-operated or pay television.

What we need more than pay-television is for sponsors to think of themselves as part of the television industry, charged with the same moral responsibility for it that the network executives have. There is a great deal of talk these days about "business statesmanship" and "corporate responsibility." TV is one place where it can begin. By and large, up to now the sponsors have been interested in public reaction because public reaction may affect sales; there has been very little consideration given to the debt owed to the public, the sponsors' obligation to serve the public interest. No matter how popular it is, a television program that tends to debase the public taste is a disgrace to the corporation that pays to have it broadcast.

Thirty-odd years ago, Mary Parker Follett, the "Mother of American Management," wrote:

> "The public will of a particular community may have to be educated to appreciate certain standards. That is exactly what is going to make business management a profession: to realize that it is responsible to something higher than

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the public will of the community, that its service . . . does not lie wholly in obeying the public."

There has been, to be sure, much talk about sponsors being a great headache for television. That should be reversed. Sponsors somehow have to accept the idea that television, by the nature of their responsibility to it, has to be a big headache for them.

6. *He wants more programs suitable to refined taste and isn't really interested in raising the total level of entertainment. Actually – by percentages – the amount of highbrow stuff on the air is enormously disproportionate to the tiny number of intellectuals in the country. Statistically they would be entitled to as much time per day as it takes for three station identifications and one time signal.*

It is true that some of television's intellectual critics seem willing to settle for a few third programmes directed to groups like themselves and appear content to let most of the people watch trash most of the time. This in its way strikes me as being as irresponsible as the viewpoint of those sponsors and executives who feel they have fulfilled their obligation after they have consulted the ratings and arranged for the viewers to keep getting what they already accept. It is a kind of *trahison des clercs.*

But I wonder that Mr. Seldes even brings up the question of groups being "entitled" to time. I should not think that statistics would enter very significantly in a consideration of TV's duties to the public it serves. Of course the educational level and cultural receptivity of the audience has to be taken into consideration. But that need not affect the *quality* of what is presented. The whole public deserves the best, whether that best be at the level of Fred Astaire's specials or a *Richard III.* Even lowbrow or middlebrow entertainment can strive for style, superior quality and excellence. And that, I think, is the intellectual critic's central point. Or it should be.

Mr. Seldes ended his article with a statement that even the most demanding eggheads should be pleased to endorse. He wrote: "I believe that we have in these media, pre-eminently in television, precisely the instrument we need for narrowing the gap between high- and low-brow."

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RECORDS

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Stravinsky's Symphony in C (1940) and Symphony in Three Movements (1945), engaging examples of his more accessible and enjoyable style of that period, are on London CM-9250 (mono) and CS-9160 (stereo). The performance of the first piece by Ansermet and his Orchestre de la Suisse Romande lacks the exciting tension and force of Stravinsky's own performance with the Cleveland Orchestra on Columbia ML-4899; but Ansermet's treatment of the later piece has something nearer the energy of Stravinsky's performance with the New York Philharmonic on Columbia ML-4129.

Less satisfying for me, in its lack of tension and force, is Ansermet's performance with the same orchestra of Beethoven's Ninth Symphony, on London CM-9033 (mono) and CS-6143 (stereo), which completes his series of recordings of the Beethoven symphonies. The first movement is taken in a slow tempo in which it is ponderous; and it suffers further from occasional excessive slowing up of this tempo. The first movement of the *Eroica*, on CM-9249 and CS-6189, which begins in a good tempo, also suffers from this slowing up; the second movement, on the other hand, from a sudden acceleration at the beginning of the fugato. And this lack of a sense for continuity of flow damages the performances of the Fifth, on CS-6037, the Seventh, on CM-9043 and CS-6183, and the Eighth, on CM-9162 and CS-6120, in which, moreover, the *pianissimo* opening passage of the finale, instead of colliding with the *fortissimo* C sharp, is made to pause before it. Better are the performances of the First, also on CM-9162 and CS-6120, the Second, on CM-9044 and CS-6184, the Fourth, on CM-9255 and CS-6070, and the *Pastorale*, on CM-9243 and CS-6160, in which tempos are steady. In sum, the performances are not those of a great interpreter of Beethoven and an orchestra of the first rank; and the Toscanini performances are, I think, still the ones to acquire.

As for other orchestral standard repertory, Mendelssohn's engaging *Scotch* Symphony and *Fingal's Cave* Overture are played well by Maag and the London Symphony on London CM-9252

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(mono) and CS-6191 (stereo) (the bass is too heavy in the stereo version). And Capitol G-7228 and SG-7228 have a fine performance by Sir Thomas Beecham and his Royal Philharmonic of Brahms' Symphony No. 2, whose first and last movements are some of his best symphonic writing.

Handel's superb *Ode for St. Cecilia's Day* is on Columbia ML-5606 (mono) and MS-6206 (stereo). The youthful Rutgers University Chorus sounds a little callow; but the singing of Adele Addison and John McCollum is excellent; the New York Philharmonic plays well; and Leonard Bernstein paces and shapes the work effectively.

For those who find Bach's *St. John Passion* more interesting than I do I can report that London A-4348 (mono) and OSA-1320 (stereo) offer a good performance in English, with soloists who include the tenor Peter Pears singing the Evangelist, the choir of King's College, Cambridge, and the London Philomusica, conducted here by David Willcocks.

And Haydn's *Mass in Time of War* disappointed me; but I report a good performance on Vanguard VRS-1061 (mono) and VSD-2075 (stereo), with Woeldike conducting the Vienna Chamber Choir, a Vienna State Opera orchestra and a solo quartet comprising Natania Devrath, Hilde Roessl-Majdan, Anton Dermota and Walter Berry.

The three records of Volume IX of RCA Victor's *History of Music in Sound*, entitled *Romanticism (1830-90)*, cannot offer complete documentation of the period; and what they give is music presumed not to be familiar: passages from Meyerbeer's *Les Huguenots*, Berlioz's *Les Troyens*, Marschner's *Hans Heiling*, Smetana's *Libuse*, Glinka's *Ruslan and Ludmila* and Musorgsky's *Boris Godunov* (the original); settings of the same Moerike poem by Schumann, Franz and Wolf, and other songs by Liszt, Cornelius, Borodin, Musorgsky, Duparc, Chausson and Fauré; Ballades for piano by Liszt and Brahms, a Paganini Caprice for violin and the piano transcriptions of it by Schumann and Liszt, a Norwegian folksong and Grieg's piano arrangement of it; chamber music by Mendelssohn, Schumann and Fauré. Again excellent notes by Gerald Abraham with quotations in musical notation.

On London 5600 (mono) and OS-25-231 (stereo) the soprano Jennifer Vyvyan uses her fine voice admirably in Mozart's concert arias "Ah, lo previdi" (K.272) and "Ch'io mi scordi di te" (K.505), Haydn's *Scena di Berenice* and excerpts from his St. Cecilia Mass – all agreeable music. Harry Newstone conducts the Haydn Orchestra.

And on London 5585 and OS-25219 the bass Fernando Corena repeats his delightful performance of Cimarosa's amusing *Il Maestro di Capella*, this time with several Mozart concert arias, including the "Rivolgete a lui lo sguardo" originally intended for *Cosi fan Tutte*. Quadri conducts the Covent Garden Orchestra; only English summaries are given.

Capitol G-7329 has arias from *L'Elisir d'Amore*, *L'Africaine*, *Rigoletto* and *Carmen*, among others less good, that were recorded between 1936 and 1948 by the man who had the most superb tenor voice since Caruso's and used it with a taste Caruso ddn't have – Bjoerling. With bass reduced and treble increased the sound is excellent.

The light tenor voice and the style that made Tito Schipa's singing enchanting can be heard on Angel COLH-117 in songs of Scarlatti and arias and duets by Gluck, Bellini and Donizetti, among others, recorded between 1929 and 1939. Treble must be increased; unfortunately the artificial resonance can't be removed.

The lovely voice and moving expressive warmth of Lotte Lehmann are heard on Angel COLO-112 in arias, recorded between 1927 and 1933, from *Der Freischuetz*, *Fidelio*, *Die Fledermaus* and inferior works, and the finale from *Tristan und Isolde*, in which she is quietly impressive at first but loses impressiveness in an overexcited acceleration to the climax of the piece. Again treble must be increased, and artificial resonance can't be removed.

Angel COLH-116 has the fine baritone voice of Battistini in performances recorded between 1903 and 1924, beginning with a ludicrously rushed "Largo al factotum" from *The Barber of Seville*, but continuing impressively with arias by Bellini, Donizetti and Verdi, among others.

And on Rococo 28 the crystalline beauty and agility of the voice of the soprano Olimpia Boronat is heard in arias of Bellini, Donizetti and Verdi, among others, recorded in 1904 and 1908.

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Correspondence

The New Republic *welcomes communications in regard to subjects of current interest. Those of 300 words or less are most suitable for publication.*

Cuba

Sirs:

The attack on Cuba and Mr. Kennedy's announcement to disregard the principle of non-intervention are negative answers to the question of a more stable partnership in the Americas (*NR*, April 10). It seems as though Uncle Sam ceased to explore "new frontiers" and decided to return to the old beaten track. The result is that the Inaugural Address and the President's call for social reform in Latin America and his promise to encourage our economies, in short, all the enthusiastic expectations have now been buried by the cry against "Yanquí imperialism."

Is violence the only way to deal with the Cuban problem? Is your State Department not aware of our feelings to the right of self-determination? Such right is essential in the political evolution in Latin America, however hard and slow its progress.

The New Republic proved one of my best discoveries in a recent visit to the US; a stimulating and broadminded publication. Perhaps you could tell a Latin reader how to conciliate the present US foreign policy with the "Alliance for Progress."

Eduardo Reyes
University of Chile
Valparaiso

Sirs:

For the greatest part of my adult life, I have valued and respected your little journal for its consistently timely and pertinent discussions of the problems of our times. I am proud to have my copies on my waiting room table and am pleased by the frequency with which I find my patients reading it. It is in truth "A Journal of Opinion."

I found myself unable to approve in full the observations and sentiments expressed by Samuel Shapiro in his two recent articles on Cuba. However, in the light of the recent fiasco, I must admit that Mr. Shapiro's observations and conclusions deserve to be upgraded. I take the liberty of calling to your attention the following comment from the last paragraph of his article of February 6:

> "Cuba today has a larger proportion of its people under arms than any other nation on earth; the few abortive uprisings so far have been easily put down by the local militia, led by a few captains from the Rebel Army. Nothing less than a full-scale military operation, with landing craft, air cover, and tens of thousands of troops, could establish a bridgehead on the Island; *the small Cuban forces training so ostentatiously in the Everglades and at Retalhuleu in Guatemala seem to me to be heading for slaughter, no matter how much help they may get from our Central Intelligence Agency.*" (my italics.)

I am led to wonder if our mysterious Central Intelligence Agency is taking to the same path formerly trod by Hitler's and Stalin's intelligence services, who frequently tended to report "information" that was more likely to please the senses of those at the top than to be accurate.

Avrom M. Greenberg, M.D.
Buffalo, New York

Sirs:

So TRB has joined the wishful thinkers who have already made JFK *a priori* FDR! To read his column of May 1 one would think that the President masterfully turned the Cuban blunder into a personal triumph. Perhaps; but what of the familiar "go-it-alone," "holier-than-thou" pose that plagued so many of us during Ike's reign? What of the trite, petulant reply to Khrushchev's second note – which merely repeated some common sense voiced by Kennedy himself during his own campaign? Those of us who have waited for a leader to checkmate the dangerously moral-absolutistic climate of the US are disappointed. Yet the effect of Kennedy's performance upon Africans and Latin Americans who saw him as the last hope of this country after eight years of torpor may be even more decisive.

Richard B. Du Boff
Philadelphia, Penna.

Sirs:

Not the least horrifying thing about the Cuba fiasco is the failure of many liberals to protest – or to protest sufficiently. I suppose that is the measure of Kennedy's success in his nasty attempt to make his critics feel like traitors. I found TRB's comments shocking. Of course, he acknowledges a fiasco – who doesn't? – but one has only to ask oneself what he would have said if the Eisenhower regime had been in charge of the Cuba action (!!!) to see how effectively Kennedy has brainwashed some of his supporters.

In the autumn, *NR* published an article that was very sarcastic about intellectuals who wouldn't get enthusiastic about Kennedy, though even then he was making foolishly bellicose gestures in the direction of Cuba. Surely by now, a little sarcasm could be allowed to run the other way?

Eric Bentley
Harvard University
Cambridge, Massachusetts

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